

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Moody, D.J. *et al.*

Application No: 10/563,459

Filed: July 10, 2006

Title: *Process and Intermediates Useful  
in the Preparation of Statins,  
Particularly Atorvastatin*

Art Unit: 1626

Examiner: Loewe, S.J.Y.

Atty. Docket No.: **HGX-004.01**

Attention: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **REQUEST FOR CERTIFICATE OF CORRECTION** **PURSUANT TO 37 CFR 1.323**

Dear Sir:

This Request for Certificate of Correction is being filed concurrently with a Request for Issuance of an Application in the Name of the Assignee under 37 C.F.R. 3.81(b). Applicants believe that a Certificate of Correction may not be required because a patent has not issued yet; nevertheless, Applicants are filing a Request for a Certificate of Correction, as it appears to be required under 37 C.F.R. 3.81(b).

The Certificate of Correction is being filed merely to have the application issue reflecting the Assignee's current corporate name, **NPIL Pharmaceuticals (UK) Limited**. The relevant change of name was recorded on May 15, 2008 at Reel/Frame 020949/0197. The requested correction is of a clerical nature, and does not constitute the introduction of new matter.

Transmitted herewith is a proposed Certificate of Correction effecting such correction. Applicants respectfully solicit the granting of the requested Certificate of Correction.

**Fees**

The Director is hereby authorized to charge the fee for the Certificate of Correction, as set forth in 37 C.F.R. 1.20(a); the processing fee for the accompanying Request for Issuance of an Application in the Name of the Assignee pursuant to 37 C.F.R. 3.81(b), as set forth in 37 C.F.R. 1.17(i); and any other required fee in connection with these submissions to our Deposit Account, No. **06-1448** reference HGX-004.01.

**Conclusion**

If a telephone conversation with Applicant's Attorney would expedite the entry of the instant Amendment, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
FOLEY HOAG LLP

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02210  
617-832-1000  
617-832-7000 (FAX)

/Dana M. Gordon/  
Dana M. Gordon, Ph.D.  
Attorney for Applicants  
Registration No. 44,719

Date: May 29, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : Not issued  
APPLICATION NO. : 10/563,459  
ISSUE DATE : Not issued  
INVENTOR(S) : Moody *et al.*

It is certified that an error appears or errors appear in the above-identified patent application to issue as a patent and that said application is hereby corrected as shown below:

**Under "Assignee," please delete "Avecia Pharmaceuticals Limited" and insert --  
NPIL Pharmaceuticals (UK) Limited--.**

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Dana M. Gordon  
FOLEY HOAG LLP  
155 Seaport Blvd  
Boston, Massachusetts 02210

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In re Application of:

Moody, D.J. *et al.*

Application No: 10/563,459

Filed: July 10, 2006

Title: *Process and Intermediates Useful  
in the Preparation of Statins,  
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Art Unit: 1626

Examiner: Loewe, S.J.Y.

Atty. Docket No.: **HGX-004.01**

Attention: Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## REQUEST FOR ISSUANCE OF AN APPLICATION IN THE NAME OF THE ASSIGNEE PURSUANT TO 37 CFR 3.81(B)

Dear Sir:

Applicants request that the above-referenced application issue in the current name of the Assignee, **NPIL Pharmaceuticals (UK) Limited**. The Issue Fee in the above-identified application was paid on May 6, 2008. A corresponding patent has not issued as of the date of this Request.

Assignments from inventors David Moody and Jonathan Wiffen to Avecia Pharmaceuticals Limited were submitted for recordation with the U.S. Patent and Trademark Office as set forth in 37 C.F.R. 3.11 on July 20, 2006.

A Change of Name from Avecia Pharmaceuticals Limited to **NPIL Pharmaceuticals (UK) Limited** was recorded with the U.S. Patent and Trademark Office on May 15, 2008 at Reel/Frame 020949/0197. Copies of the inventors' Assignments, Change of Name, and the respective Notices of Recordation are attached hereto. As required under 37 C.F.R. 3.81(b), the assignments and change of name were submitted for recordation, as set forth in 37 C.F.R. 3.11, and were actually recorded before issuance of the patent.

Pursuant to 37 C.F.R. 3.81(b), a Request for a Certificate of Correction under 37 C.F.R. 1.323 and a Certificate of Correction are being filed concurrently herewith.

Because Applicants have met the requirements of 37 C.F.R. 3.81(b), Applicants respectfully request issuance of the patent in the name of **NPIL Pharmaceuticals (UK) Limited**.

#### Fees

The Director is hereby authorized to charge the fee for the Certificate of Correction, as set forth in 37 C.F.R. 1.20(a); the processing fee for the accompanying Request for Issuance of an Application in the Name of the Assignee pursuant to 37 C.F.R. 3.81(b), as set forth in 37 C.F.R. 1.17(i); and any other required fee in connection with these submissions to our Deposit Account, No. **06-1448** reference HGX-004.01.

#### Conclusion

If a telephone conversation with Applicant's Attorney would expedite the entry of the instant Amendment, the Examiner is urged to contact the undersigned.

Respectfully submitted,  
FOLEY HOAG LLP

Patent Group  
FOLEY HOAG LLP  
155 Seaport Boulevard  
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617-832-7000 (FAX)

/Dana M. Gordon/  
Dana M. Gordon, Ph.D.  
Attorney for Applicants  
Registration No. 44,719

Date: May 29, 2008



**FOLEY  
HOAG** LLP  
ATTORNEYS AT LAW

**Fax**

Date: July 20, 2006

To: U.S. Patent and Trademark  
Assignment Branch

Fax #: 571-273-0140

Confirm#: 571-272-1149

Client Matter#: 26437-401 (UDX-004.01)

From: Dana M. Gordon

Sender's Number: 617-832-1765

User #: 0685

Total Pages Sent (Including Cover Sheet):

4

Office: Boston

**Message**

Re: U.S. Patent Application No.: 10/563,459

*Based on PCT/GB04/003206*

Filed: January 4, 2006

Title: *Process and Intermediate Compounds Useful  
in the Preparation of Statins, Particularly Atorvastatin*

Applicant: **Avecia Pharmaceuticals Limited**

Inventors: Moody, D. J. *et al.*

Our Reference No.: UDX-004.01 (26437-401)

Transmitted herewith are the following documents:

1. This fax cover sheet (1 page);
2. Recordation Form Cover Sheet (1 page); and
3. Executed Assignments (2 pages).

**IMPORTANT - PLEASE READ**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.**

RECORDATION FORM COVER SHEET  
PATENTS ONLY

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies):

1. David J. Moody (6/27/2006) and  
2. Jonathan W. Wiffen (6/27/2006)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s): In parentheses after inventor name

- ☒ Assignment ☐ Merger ☐ Change of Name  
☐ Security Agreement ☐ Joint Research Agreement  
☐ Government Interest Assignment  
☐ Executive Order 9424, Confirmatory License  
☐ Other \_\_\_\_\_

2. Name and address of receiving party(ies)

Name: Avecia Pharmaceuticals Limited

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

P.O. Box 42  
Hexagon Tower  
Blackley, Manchester M9 8ZS  
UNITED KINGDOM

City: \_\_\_\_\_

State: \_\_\_\_\_

Country: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

☐ This document is being filed together with a new application.

A. Patent Application No.(s)

10/563,459

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Dana M. Gordon  
FOLEY HOAG LLP

Internal Address: Atty. Dkt.: UDX-00401

Street Address: 155 Seaport Blvd

City: Boston

State: MA Zip: 02210

Phone Number: (617) 832-1000

Fax Number: (617) 832-7000

Email Address: dmg@foleyhoag.com

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card  
☒ Authorized to be charged to deposit account  
☐ Enclosed  
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers \_\_\_\_\_

Expiration Date \_\_\_\_\_

b. Deposit Account Number 06-1448

Authorized User Name Dana M. Gordon

9. Signature:



Signature

July 20, 2006

Date

Dana M. Gordon - 44,719

Name of Person Signing

Total number of pages including cover sheet, attachments, and documents:

3

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services  
Director of the US Patents and Trademark Office  
P.O. Box 1450  
Alexandria VA 22313-1450

ASSIGNMENT

We, David John Moody and Jonathan William Wiffen, for valuable consideration received from Avecia Pharmaceuticals Limited, having its principal place of business at P.O. Box 42, Hexagon Tower, Blackley, Manchester M9 8ZS (United Kingdom), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said

AVECIA PHARMACEUTICALS LIMITED

its successors and assigns, the entire interest for the United States of America and all foreign countries including all rights of priority under the International Convention for the Protection of Industrial Property in a certain invention or improvement in

*"PROCESS AND INTERMEDIATE COMPOUNDS USEFUL IN THE PREPARATION OF  
STATINS, PARTICULARLY ATORVASTATIN"*

described in application Serial No. 10/563,459 filed on January 4, 2006 in the United States Receiving Office, and in all Letters Patent of the United States and all foreign countries which may or shall be granted on said invention, or any parts thereof, or on said application, or any divisional, continuing, reissue or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns but at its or their expense and charges, hereafter to execute all applications, amended specifications, deed or other instrument, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and in all other countries to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

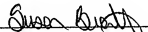
And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

WITNESS my hand this 27 day of June, 2006.

By: 

David John Moody

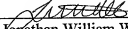
Then personally appeared the above-named David John Moody and acknowledged the foregoing instrument to be his free act and deed, before me, this 27<sup>th</sup> day of June, 2006.

  
Witness signature

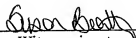
SUSAN BEATTIE  
Witness Name (please print)



WITNESS my hand this 27 day of June, 2006.

By:   
Jonathan William Wiffen

Then personally appeared the above-named Jonathan William Wiffen and acknowledged the foregoing instrument to be his free act and deed, before me, this 27<sup>th</sup> day of June, 2006.

  
Witness signature

SUSAN BORTIE  
Witness Name (please print)



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



MAY 15, 2008

PTAS

\*5005401684\*

DANA M. GORDON  
155 SEAPORT BLVD., WTCW  
FOLEY HOAG LLP  
BOSTON, MA 02210-2600

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 05/15/2008

REEL/FRAME: 020949/0197  
NUMBER OF PAGES: 2

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: HGX-004.01

**ASSIGNOR:**

AVECIA PHARMACEUTICALS LIMITED

DOC DATE: 09/28/2007

**ASSIGNEE:**

NPIL PHARMACEUTICALS (UK) LIMITED  
P.O. BOX 42  
HEXAGON TOWER  
BLACKLEY, MANCHESTER, UNITED  
KINGDOM  
M9 8ZS

SERIAL NUMBER: 10563459

FILING DATE: 07/10/2006

PATENT NUMBER:

ISSUE DATE:

TITLE: PROCESS AND INTERMEDIATES COMPOUNDS USEFUL IN THE PREPARATION OF  
STATINS, PARTICULARLY ATORVASTATIN



# THE COMPANIES ACT 1985

Company No. **5370591**

The Registrar of Companies for England and Wales hereby certifies that

**NPIL PHARMACEUTICALS (UK) LIMITED**

formerly called **AVECIA PHARMACEUTICALS LIMITED**

which name was changed by special resolution was incorporated under the  
**Companies Act 1985**

as a limited company on the **21st February 2005** and that the certificate of  
incorporation altered to meet the circumstances of the case was issued on  
the **5th December 2005**

Given at Companies House, Cardiff the **28th September 2007**

**M D JONES**  
for the Registrar of Companies



*Companies House*  
— for the record —